

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BANK ONE, N.A. PLAINTIFF

V. CIVIL ACTION NO. 1:00CV227

EMMA BOYD DEFENDANT

ORDER

This cause comes before the court upon the plaintiff's motion for summary judgment to compel arbitration. Upon due consideration, the court finds that the motion is well-taken and shall be granted. Further, the court finds no merit to the defendant's request for discovery or her contract defenses.

This case is one of a number of cases arising from the sale and financing of home satellite television systems and is essentially identical to those that have been previously ruled upon by this court, the United States District Court for the Southern District of Mississippi, and the Fifth Circuit Court of Appeals. On November 7, 2000, this court entered orders of abstention and dismissal in this and two other Bank One arbitration cases. The Fifth Circuit vacated this court's ruling and remanded for further consideration of the motion and the defendant's request for discovery and her contract defenses.

The defendant sets forth arguments in opposition to the plaintiff's motion to compel arbitration which have been repeatedly rejected by the United States District Court for the Southern District of Mississippi. In Bank One, N.A. v. Coates, 125 F. Supp. 2d 819 (S.D. Miss. 2001), the Southern District Court addressed and rejected the same arguments presented by the defendant in the present case and denied Coates' motions for joinder, dismissal, discovery, and abstention while granting Bank One's motion to compel arbitration. The Fifth Circuit affirmed Coates and has consistently upheld the Southern District Court's rulings compelling arbitration in this body of cases.¹ In Bank One, N.A. v.

¹The Fifth Circuit's opinions in these matters are unpublished. 5th Cir. R. 47.5.4 provides that an unpublished opinion is not precedent but may be cited as persuasive authority.

Quinn, No. 01-60543, *et seq.* (5th Cir. July 18, 2002), the court affirmed fourteen separate orders entered by the Southern District Court compelling arbitration in these related cases, adopted the district court's reasoning in Coates, and referenced its ruling against abstention in the present case. The court found as follows:

These cases are indistinguishable from those that we reviewed and ruled on in the related cases of Bank One, N.A. v. Boyd and Bank One, N.A. v. Lake. For essentially the same reasons that are set forth in our opinion in Boyd and in the district court's opinion in Bank One, N.A. v. Coates, the judgments of the district court in these cases are, in all respects, affirmed.

Id. (citations omitted). This court is persuaded by the plaintiff's arguments and by the previous rulings in the related and virtually indistinguishable cases.

It is, therefore, **ORDERED** and **ADJUDGED** that the plaintiff's motion for summary judgment to compel arbitration is **GRANTED**, and this case is closed.

This, the _____ day of December, 2002.

NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE